

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ALICE HILL, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:03CV60-P-D

KOPPERS INDUSTRIES, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon the defendants' Motion to Strike Plaintiff's Expert Designation as to James Dahlgren's Supplemental Opinions and to Exclude Dahlgren's Supplemental Opinions [1212]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

In its September 30, 2009 Order, the court ruled that the "opinions of Drs. James Dahlgren and William Sawyer regarding comparing Mr. Hill's exposure to plant chemicals to his exposure to smoking are ... excluded from trial" as untimely. The aforesaid opinions, which are also at issue here, included a second supplemental report submitted by Dr. Dahlgren after the subject one-and-one-half page supplemental report was filed. In other words, the court has already ruled that the opinions of Drs. Dahlgren and Sawyer regarding the smoking comparison are to be excluded as untimely. Thus, the smoking opinion set forth in the subject supplemental report has already been excluded.

In any event, Fed. R. Civ. P. 26(a)(2) requires an expert to turn in a report – by the party's expert designation deadline – that contains, among other things, "a **complete** statement of all opinions containing the basis and reasons therefor and the data considered in forming the opinion."

After reviewing the subject supplemental report, the court concludes that the report as a whole does not contain a complete statement of Dr. Dahlgren's supplemental opinion since it does

not contain all of “the basis and reasons therefor and the data considered in forming the opinion.” In other words, Dr. Dahlgren did not show his work. Accordingly, the report should be stricken in its entirety.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The defendants’ Motion to Strike Plaintiff’s Expert Designation as to James Dahlgren’s Supplemental Opinions and to Exclude Dahlgren’s Supplemental Opinions [1212] is **GRANTED**; accordingly,

(2) The March 12, 2009 supplemental report of Dr. James Dahlgren and the opinions contained therein shall be excluded.

SO ORDERED this the 24th day of November, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE